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10/614,737	07/07/2003	John A. Hicks III	BS02499/ATTWP290USB	6215

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Room 2A-207

One AT&T Way

Bedminster, NJ 07921

EXAMINER

KASRAIAN, ALLAHYAR

ART UNIT

PAPER NUMBER

2617

MAIL DATE

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06/08/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/614,737	<b>Applicant(s)</b> HICKS ET AL.	
	<b>Examiner</b> ALLAHYAR KASRAIAN	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 43,45-47,52-54,56,59,60 and 62-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43,45-47,52-54,56,59,60 and 62-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/10/2010</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement submitted on 05/10/2010 has been considered by the Examiner and made of record in the application file.

### *Remarks*

The present Office Action is in response to Applicant's amendment filed on March 10, 2010. **Claims 43, 45-47, 52-54, 56, 59, 60, and 62-68** are now pending in the present application. **This Action is made FINAL.**

### *Response to Arguments*

2. Applicant's arguments with respect to claims 43, 52, and 59 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Objections*

3. **Claims 43 and 47** are objected to because of the following informalities:
  - a) On **line 7** of **claim 43**, replace "via" with --to-- after "call";
  - b) On **line 2** of **claim 47**, insert --an-- after "with";

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. **Claims 45 and 46** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

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which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

**Claim 45** includes a limitation, "wherein the at least one wireless access point is configured to switch the call between at least one other wireless access point and the at least one wireless access point during the call"; however, Examiner could not find any part of the specification to support this limitation. Applicant is welcomed to point out where in the specification supports the limitation.

**Claim 46** includes a limitation "wherein the at least one wireless access point is configured to service the call utilizing a first wireless transmission area during the call, and wherein the at least one other wireless access point is configured to service the call utilizing a second wireless transmission area during the call"; however, Examiner could not find any part of the specification to support this limitation. Applicant is welcomed to point out where in the specification supports the limitation.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were

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made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claims 43, 45, 46, 52, 54, 56, and 63-66** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rogalski et al. (U.S. Patent Application Pub. # 2004/0141484 A1)** (hereafter Rogalski) in view of **Pinard et al. (U.S. Patent # 5454032)** (hereinafter Pinard).

Consider **claim 43** Rogalski discloses a system comprising:

at least one wireless access point wired to a data network and configured to provide wireless access to the data network via an IEEE 802.11b wireless connection between a digital cordless handset and the at least one wireless access point, wherein the at least one wireless access point is configured to service a call via the digital cordless handset utilizing IEEE 802.11b wireless connection based on at least a telephone number (FIG. 5, par. 0023, 0029, 0030 for voice data gateway 510 which is

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considered as the at least one wireless access point connected to the data networks 530 and provides wireless access to a cordless phone 560 using 802.11b standard; par. 0034 and 0037-0042 for supporting voice over WLAN; it is inherently taught and well-known in the art that a call to or from any type of phone requires at least one telephone number).

However, Rogalski fails to disclose wherein the call is serviceable via a cellular telephone using the telephone number.

In the same field of endeavor, Pinard discloses wherein the call is serviceable via a cellular telephone using the telephone number (abstract).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate a single telephone number for different equipments as taught by Pinard to method of providing a broadband telephony and PSTN access as disclosed by Rogalski for purpose of ability to answer the calls from different devices such as wireless and landline phones.

Consider **claim 45 as applied to claim 43 above**, Pinard also discloses wherein the at least one wireless access point is configured to switch the call between at least one other wireless access point and the at least one wireless access point during the call (FIG. 1, col. 3, lines 7-20, col. 4 lines 24-34).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate a single telephone number for different equipments and sending message from a main switch (considered as access point) to

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different switches as taught by Pinard to the method of providing a broadband telephony and PSTN access as disclosed by Rogalski for purpose of ability to answer the calls from different devices such as wireless and landline phones.

Consider **claim 46 as applied to claim 45 above**, Pinard also discloses wherein the at least one wireless access point is configured to service the call utilizing a first wireless transmission area during the call, and wherein the at least one other wireless access point is configured to service the call utilizing a second wireless transmission area during the call (FIG. 1, col. 3, lines 7-20, col. 4 lines 24-34).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a single telephone number for different equipments and sending message from a main switch (considered as access point) to different switches that cover different area as taught by Pinard to the method of providing a broadband telephony and PSTN access as disclosed by Rogalski for purpose of ability to answer the calls from different devices such as wireless and landline phones.

Consider **claim 52**, Rogalski discloses a method comprising servicing a call via IEEE 802.11b wireless connection between cordless handset and a wireless access point based on a telephone number if the call is answered via the digital cordless handset (FIG. 5, par. 0023, 0029, 0030 for voice data gateway 510 which is considered as the wireless access point connected to the data networks 530 and provides wireless

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access to a cordless phone 560 using 802.11b standard; par. 0034 and 0037-0042 for supporting voice over WLAN; it is inherently taught and well-known in the art that a call to or from any type of phone requires at least one telephone number).

However, Rogalski fails to disclose wherein the call is serviceable via a cellular telephone using the telephone number if the call is answered via the cellular telephone.

In the same field of endeavor, Pinard discloses wherein the call is serviceable via a cellular telephone using the telephone number if the call is answered via the cellular telephone (abstract, col. 5 lines 14-34).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a single telephone number for different equipments as taught by Pinard to method of providing a broadband telephony and PSTN access as disclosed by Rogalski for purpose of ability to answer the calls from different devices such as wireless and landline phones.

Consider **claim 54**, Rogalski as modified by Pinard discloses the claimed invention **as applied to claim 52 above**, and Rogalski further discloses wherein the servicing the call number via the IEEE 802.11b wireless connection between the digital cordless handset and the wireless access point includes establishing a voice over internet protocol (VoIP) session data network via the wireless access point based on an internet protocol (IP) address (par. 0029, 0044; it is inherently taught that a device using VoIP protocol is required to have an IP address).



Consider **claim 56**, Rogalski as modified by Pinard discloses the claimed invention **as applied to claim 54 above**, and Rogalski further discloses receiving the telephone number at the digital cordless handset; and establishing the VoIP session based on the telephone number (par. 0029, 0044).

Consider **claim 63**, Rogalski as modified by Pinard discloses the claimed invention **as applied to claim 43 above**, and Rogalski further discloses wherein the call is an incoming call (par. 0038, 0047-0048).

Consider **claim 64**, Rogalski as modified by Pinard discloses the claimed invention **as applied to claim 43 above**, and Rogalski further discloses wherein the call is an outgoing call (par. 0026, 0047-0048).

Consider **claim 65**, Rogalski as modified by Pinard discloses the claimed invention **as applied to claim 52 above**, and Rogalski further discloses wherein the servicing the call includes servicing an incoming call via the IEEE 802.11b wireless connection between the digital cordless handset and the wireless access point (par. 0038, 0047-0048).

Consider **claim 66**, Rogalski as modified by Pinard discloses the claimed invention **as applied to claim 52 above**, and Rogalski further discloses wherein the servicing the call includes servicing an outgoing call via the IEEE 802.11b wireless

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connection between the digital cordless handset and the wireless access point (par. 0026, 0047-0048).

8. **Claims 47 and 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rogalski et al. (U.S. Patent Application Pub. # 2004/0141484 A1)** (hereafter Rogalski) in view of **Pinard et al. (U.S. Patent # 5454032)** (hereinafter Pinard) in view of **Kallio (U.S. Patent Application Pub. # 2002/0147008 A1)**.

Consider **claim 47 as applied to claim 43 above**, Rogalski as modified by Pinard discloses the claimed invention except wherein the at least one digital cordless handset is associated with identification information, wherein the identification information is transferred from a wireless network to the wired data network, and wherein one or more voice and data services are provided based on the identification information.

In the same field of endeavor, Kallio discloses wherein the at least one digital cordless handset is associated with identification information, wherein the identification information is transferred from a wireless network to the wired data network, and wherein one or more voice and data services are provided based on the identification information (par. 0024).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate an algorithm for confirming the identity of a user in a WLAN and a cellular network as taught by Kallio to method of using a

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single phone number for several devices as disclosed by Rogalski as modified by Pinard for purpose of using a single device in different networks with different protocols.

Consider **claim 53**, Rogalski as modified by Pinard discloses the claimed invention **as applied to claim 52 above**, and Rogalski further discloses wherein the servicing the via the IEEE 802.11b wireless connection between the digital cordless handset and the wireless access point includes providing the at least one of the voice or the data service via the digital cordless handset during the call (par. 0024, 0038).

However, Rogalski as modified by Pinard fails to explicitly discloses obtaining identification information from the digital cordless handset; and determining at least one of a voice or a data service based on the identification information.

In the same field of endeavor, Kallio discloses obtaining identification information from the digital cordless handset (par. 0024 and 0029); and

determining at least one of a voice or a data service based on the identification information (par. 0029-0030);

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate an algorithm for confirming the identity of a user in a WLAN and a cellular network as taught by Kallio to method of using a single phone number for several devices as disclosed by Rogalski as modified by Pinard for purpose of using a single device in different networks with different protocols.

9. **Claims 59, 67, and 68** are rejected under 35 U.S.C. 103(a) as being

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unpatentable over **Kallio (U.S. Patent Application Pub. # 2002/0147008 A1)** in view of **Pinard et al. (U.S. Patent # 5454032)** (hereinafter Pinard).

Consider **claim 59**, Kallio discloses a system comprising:

a wireless access point configured to provide wireless access to a wired data network over Bluetooth wireless connection (FIG. 1, par. 0023 and 0006; par. 0023 indicates, "BlueTooth networks and/or Wideband CDMA (hereinafter called 3G WCDMA) networks may be used in place of the wireless local area networks ( WLAN). However, for the sake of simplicity, discussions will concentrate mainly on the seamless mobility between a GSM network and a WLAN network"),

wherein the wired data network is configured to service a call associated with a telephone number via a digital cordless handset and the Bluetooth wireless connection if the call is answered via the digital cordless handset (par. 0007, 0024, 0031, for multimode GSM phone to access DECT and the wireless access point 210).

However, Kallio fails to disclose wherein the call is serviceable via a cellular telephone connection based on the telephone number.

In the same field of endeavor, Pinard discloses wherein the call is serviceable via a cellular telephone using the telephone number (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a single telephone number for different equipments as taught by Pinard to method of providing a seamless mobility between a cellular and a different local area network as disclosed by Kallio for purpose of ability to

answer the calls from different devices.

Consider **claim 67**, Kallio as modified by Pinard discloses the claimed invention **as applied to claim 43 above**, and Kallio further discloses wherein the call is an incoming call (par. 0031).

Consider **claim 68**, Kallio as modified by Pinard discloses the claimed invention **as applied to claim 43 above**, and Kallio further discloses wherein the call is an outgoing call (par. 0031).

10. **Claims 60 and 62** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kallio (U.S. Patent Application Pub. # 2002/0147008 A1)** in view of **Pinard et al. (U.S. Patent # 5454032)** (hereinafter Pinard) in view of **Jones et al. (U.S. Patent # 6404764 B1)** (hereafter Jones).

Consider **claim 60 as applied to claim 59 above**, Kallio as modified by Pinard discloses the claimed invention except wherein the wired data network is configured to direct the call to a broadband residential gateway based on the telephone number, and wherein the broadband residential gateway is configured to service the call via a wired network device if the call is answered by the wired network device.

In the same field of endeavor, Jones discloses wherein the wired data network is configured to direct the call to a broadband residential gateway based on the telephone

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number, and wherein the broadband residential gateway is configured to service the call via a wired network device if the call is answered by the wired network device (FIG. 2 for network premises gateway 10 (considered as a broadband residential gateway) and internet access device 14; lines 23-24 of col. 2, for digital IP devices 30 and lines 23-25 of col. 5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a network premises gateway as taught by Jones to be connected between the WLAN and wired network as disclosed by Kallio as modified by Pinard for purpose of providing access to different devices in a home network.

Consider **claim 62 as applied to claim 60 above**, Jones further discloses wherein the broadband residential gateway is configured to service the call via a local wired network including a home phone networking alliance network (FIG. 1 and lines 14-5 of col. 2; or FIG. 2 for digital IP devices 30 and lines 23-25 of col. 5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a network premises gateway including the telephone network in a haouse as taught by Jones to be connected between the WLAN and wired network as disclosed by Kallio as modified by Pinard for purpose of providing access to different devices in a home network.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in

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this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

- a. Janssen et al. (U.S. Patent Application Publication # 20030157929) disclose Apparatus for conducting a conference call between a wireless line and a land line using customer premise equipment.
- b. Uchiyama (U.S. Patent Application Publication # 20020072390) disclose Cordless and wireless telephone docking station.

13. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

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**Hand-delivered responses** should be brought to

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14. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Allahyar Kasraian whose telephone number is (571) 270-1772. The Examiner can normally be reached on Monday-Thursday from 8:00 a.m. to 5:00 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Allahyar Kasraian/

Examiner, Art Unit 2617

/Rafael Pérez-Gutiérrez/

Supervisory Patent Examiner, Art Unit 2617

June 1, 2010